



**CAPITAL CONTRIBUTIONS FOR BULK  
SERVICES 2015**

**CEDERBERG MUNICIPALITY**

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### **POLICY REGARDING CAPITAL CONTRIBUTIONS FOR BULK SERVICES**

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## 1. DEFINITION OF TERMS

The following meanings apply in this policy document, unless indicated otherwise by the context:

"infrastructure", with regard to municipal services – all external bulk services as well as internal services, networks and conduits;

"municipal services", with regard to –

- (1) water supply – water treatment plants, pump stations, reservoirs and main water conduits from reservoirs that are also referred to as external bulk services.
- (2) sewage disposal – wastewater treatment plants, septic tanks, main drainage conduits and pump stations also referred to as external bulk services.
- (3) electricity – substations, transformers, and main conduits also referred to as external bulk services.
- (4) streets and storm water – all laid out streets for use by the public, with accompanying storm water drainage systems;

"municipality", the Cederberg Municipality;

"fixed capital contribution", a financial contribution determined in accordance with the provisions of paragraph 4 of this policy taking into account any exemptions as intended in paragraph 6.2;

"real cost capital contribution", a financial contribution based on the estimated actual costs of the immediate upgrading, extension or construction of infrastructure;

"mega development", mega development in the context of Cederberg Municipality includes any development with a footprint in excess of 2000m<sup>2</sup> and/or any building that has a footprint of two storeys and/or any development of housing and/or flats in excess of 10 units and any building that would occupy when utilised more than 20 people and/or any development of packing facilities in rural/urban areas and any extension to any new or an addition to existing commercial facility/processing factory with a footprint of 2000m<sup>2</sup>, all shopping mall developments and any development that the Accounting Officer and/or Director Engineering and Planning Services deem to be meeting the criteria of a Mega Development, and

"residential unit", the same as the meaning attached to it in the regulations promulgated under Provincial Notice 1048 dated 5 December 1988 in terms of section 8 of the Land Use Planning Ordinance No. 15 of 1985.

## 2. AIM OF THE POLICY

Rapid expansion and development of the Municipality's area of jurisdiction has resulted in an increasing number of applications for subdivision of land and applications for deviations in land use.

Granting such subdivisions and applications for rezoning and deviation frequently causes a heavy burden on existing municipal service infrastructure and necessitates upgrading and/or extension of such infrastructure at enormous cost, if not immediately, then at a later stage.

It is therefore seen as fair and equitable that a land owner who applies for the subdivision of an area of land, or for particular departures, should be obliged to make a financial contribution (henceforth referred to as capital contribution) to the upgrading and/or extension of existing municipal services.

The aim of this document therefore is to establish a policy to indicate in which cases and to what extent such capital contributions will be levied by Cederberg Municipality.

## 3. BASIS FOR CALCULATION OF CAPITAL CONTRIBUTIONS

[How capital contributions will be calculated]

- 3.1 The calculation of capital contributions is based on the principle that current inhabitants of a municipal area should not benefit from a new development at the cost of the developer or subsequent inhabitants, or that the developer should not benefit at the cost of the current inhabitants.

Calculation of fixed capital contributions is therefore based on specific applications and as set out in the Cederberg Civil Engineering Guidelines for Bulk Infrastructure Contribution Levy.

- 3.2 The aim of the policy is to institute a uniform basis for the calculation of fixed capital contributions in the Municipality's area of jurisdiction as a whole and to grant exemption from specific components of the capital contributions with regard to those municipal services that are not yet available in a specific area or are not yet provided to a specific standard.

- 3.3 This policy differentiates between fixed capital contributions and real cost capital contributions.

- (1) Fixed capital contributions are financial contributions payable to the Municipality to maximum limits and according to calculations as set out in paragraph 4 hereof, subject to exclusions, exemptions and other conditions as contained in this policy.

It is intended to provide the necessary bulk services to property development. It does not necessarily imply that the Municipality has to upgrade or extend services with immediate effect.

- (2) A real cost capital contribution is a financial contribution payable to the Municipality in cash and is based on the estimated real cost of immediate upgrading or extension

of infrastructure necessitated by property development for the purpose of facilitating the provision of services to such a development. Such infrastructure could include external bulk services as well as internal networks and conduits.

#### 4. CALCULATION OF CAPITAL CONTRIBUTIONS

[What capital contributions amount to]

The rationale for the determination of unit costs to calculate development charges is set out in the Bulk Infrastructure Contribution Levy, Civil Engineering Guidelines.

The fixed capital contributions payable on the different components of municipal services have been calculated by the Municipality's Engineers on the basis of these guidelines, adjustments, suppositions and recommendations.

The fixed capital contributions payable to the Municipality are summarised as per Annexure A.

##### **Mega developments:**

Mega development contributions (MCC) would be defined as the capital contributions payable for any development with a footprint in excess 2000m<sup>2</sup>. MCC would be negotiated by the Director Engineering and Planning Services, the Municipal Manager and the applicant after the approval of the land use application by the Mayoral Committee. It will be incorporated as a planning condition and a consequent development agreement must be concluded setting out the terms and conditions of payment of same. The applicant will be required to pay at least a minimum contribution and the capital contributions with regard to MCC to various components of municipal services that have been calculated in accordance with the applicable guidelines.

The negotiations may also include the building and/or construction of bulk infrastructure by the applicant for the Municipality not less than equal to the value of the negotiated amount in lieu of the payment of the MCC contribution. Nothing prevents the developer from additional contributions in whatever form to the municipality and or the community, but such would not be able to be an offset of its obligations in terms of this policy.

The cost on which the fixed capital contributions is based must be revised at least once yearly on the basis of the latest available data, and the necessary adjustments to the capital contributions must be made, where necessary.

The amount payable to the Municipality as a real cost capital contribution as contemplated in paragraph 3.3(2) hereof is the estimated amount as determined by the Director Engineering and Planning Services or the Municipal Manager, as the case may be, or by consulting engineers assigned for this purpose.

#### 5 LEVY AND COLLECTION OF CAPITAL CONTRIBUTIONS

[How and when capital contributions are collected]

5.1 Fixed capital contributions, subject to exclusions and exemptions as set out in paragraph 6, are levied and collected on all properties in accordance with the provisions of paragraph 4, read in conjunction with the Civil Engineering Guidelines and Annexure A,

- (1) in respect of which applications for subdivision are received and which could be utilised for the erection of a residential building on any of the following use zones:

- single residential
- general residential
- group housing
- town housing
- residential 1, 2, 3, 4 and 5

The applicable fixed capital contribution is levied on each subdivided section on which the erection of a residential building is allowed in any of the above use zones in terms of the municipality's scheme regulations, with the exception of the last subdivided portion remaining after all other portions have been transferred.

- (2) that are not cadastrally subdivided and that, in the case of developed premises, are already lawfully utilised for the following land uses or, in the case of undeveloped premises, can be used for the erection of a residential building within any of the use zones indicated below:

- general residential
- group housing
- town housing

The appropriate fixed capital contribution is levied on each independent residential unit erected for any of the above-mentioned use zones, including an additional residential unit erected on a single residential premise.

- (3) that are subject to an application for a departure in terms of section 15(1) of the Land Use Planning Ordinance No. 15 of 1985, with the purpose of using the property as –

- a guest house; or
- a bed and breakfast establishment.

5.2 A real cost capital contribution is levied and collected according to the provisions of paragraph 3.3(2), read in conjunction with paragraph 4 and subject to paragraph 5.3 –

- (1) as an alternative to the payment of fixed capital contributions or a component thereof, in accordance with the provisions of paragraphs 5.1(1), 5.1(2) and 5.1(3). In the cases of streets and storm water, sewerage and electricity services, the Director Engineering and Planning Services will have authority to decide that a real cost capital contribution has to be paid instead of a fixed capital contribution or a component thereof, with regard to each relevant service.

Where a component of a real cost capital contribution is required instead of a fixed capital contribution, the relevant Head of Department may also determine that the remaining components of the fixed capital contribution will be payable, together with such real cost capital contributions.

- (2) regarding any other development, regardless of land use (that is, inclusive of business premises, industrial premises, etc.), whether such development is the

result of rezoning, subdivision, an application for a departure or whether it occurs on premises that have already been zoned for the relevant purpose.

A real cost capital contribution as intended in paragraph 5.2 will only be payable if the Director Engineering and Planning Services is of the opinion that a proposed development will have such a material and immediate impact on existing infrastructure that immediate upgrading or extension of the infrastructure will be required to enable the provision of the necessary services to such a development. Such infrastructure could include external bulk services, as well as internal networks and conduits.

### 5.3 Capital contributions are payable and must be collected as follows:

Under conditions as signified in –

- paragraph 5.1(1) - on or before the date of transfer of a subdivided portion – by the applicant for the subdivision;
- paragraph 5.1(2) - on or before the date of approval of the building plans with regard to the relevant development – by the owner of the property connected to the building plan;
- paragraph 5.1(3) - on or before the date of the approval of the departure – by the applicant applying for such departure;
- paragraph 5.2 - on or before the date of transfer of the subdivided portion of the relevant subdivision, building plans or application for a departure – by the applicant for the subdivision or departure, or the owner of the property related to the building plans, as the case may be. Upgrading or extension of infrastructure will only be executed when the real cost capital contribution has been paid.

5.4 The Head: Planning and Development will be responsible for the application of this policy and will take all administrative and organisational steps that may reasonably be required in this regard to ensure that capital contributions are levied correctly, consistently and in accordance with the provisions of this policy and are paid to the Director: Financial Services of the Municipality.

The onus is on the Director: Engineering and Planning Services, as the case may be, to advise the Head: Planning and Development and Director: Financial Services accordingly, in writing, when building plans are received that require the collection of capital contributions in accordance with the stipulations of paragraphs 5.1(2) or 5.2(1) or 5.2(2).

5.5 Municipal areas with regard to which fixed capital contributions can be levied and collected, will be deemed to be the urban fringe area of each of the relevant towns, as indicated in the Municipality's spatial development plan.

**NOTE:** The rural area will be deemed to be that area of land that does not fall within the urban fringe areas referred to above and no fixed capital contributions will be payable with regard to these land areas. Development in the rural area may, however, be subject to payment of a real cost capital contribution.



## **6. EXCLUSIONS AND EXEMPTIONS**

### **6.1 Exclusions**

No capital contributions of any nature whatsoever are payable on subdivisions with regard to land to be used for low cost housing that is to be funded from state funds.

### **6.2 Exemptions**

6.2.1 Fixed cost contributions calculated in accordance with the provisions of paragraph 4 or the various components thereof will not be payable under the following circumstances:

- (1) where existing municipal services or components thereof that have been established in specific municipal areas, were financed mainly from sources other than municipal funds, for instance allocations and/or subsidies, or where such services or components of services were established by a private developer for own account;
- (2) where no municipal services or components thereof have been provided in a specific municipal area or to specific properties in a municipal area;
- (3) where streets in specific municipal areas predominantly have not been constructed to a permanent surface standard;
- (4) where, with regard to the electricity supply service, the Municipality is not the authority providing electricity in a specific municipal area;
- (5) where, regarding a specific municipal service or component thereof, a developer or land owner is expected to upgrade or extend such a municipal service or component thereof, or to create it, for his own account; and
- (6) with regard to a subdivided portion as intended in paragraph 5.1(1).

6.2.2 The Civil Engineering Guideline provides an indication of the municipal services, or components thereof, and the municipal areas that, on the basis of the criteria listed in paragraphs 6.2.1(1)-(4), will qualify for exemption or partial exemption from payment of a fixed capital contribution when this policy is put into operation.

6.2.3 The effect of the exemptions referred to in paragraph 5.2.1 and the practical application thereof, are as follows:

- (1) The fixed capital contributions payable after specific adjustments have been made and exemptions in terms of paragraph 5.2.1 have been taken into account, are as set out in the Civil Engineering Guideline, subject, however, to the provisions of subparagraphs (2), (3) and (4) below.
- (2) An exemption lapses as soon as the Municipality establishes or provides any municipal service or component thereof from municipal funds, that is, by means of a loan or from its income account, to an area that was previously exempt from a fixed capital contribution as a result of the application of paragraph 5.2.1. The capital contribution that is payable in the relevant area therefore has to be adjusted by increasing it by the appropriate component of the capital contribution.

- (3) Where some streets in a specific municipal area, for instance, are built to permanent surface standard and some are merely gravel roads,
- the capital contribution component with regard to streets in the case of subdivision of property bordering on an asphalted street, for instance, will only be payable with regard to the subdivided portion bordering the asphalt street;
  - subdivided portions that only border on gravel roads will be exempt from the payment of the relevant capital contribution component.
- (4) The principle contained in subparagraph (3) above is equally applicable in the case of subdivisional portions of a property where portions of a property can be physically connected to the sewerage network while other portions cannot be linked up.

6.2.4 The exemptions set out in paragraph 5.2.1 will not be applicable to fixed capital contributions payable with regard to guest houses and bed and breakfast establishments.

In respect of par. 6.1.2 (5) and/or all other areas where there is an obligation on the developer where, regarding a specific municipal service or component thereof, a developer or land owner is expected to upgrade or extend such a municipal service or component thereof, or to create it, for his own account; it is specifically the policy view that the Municipality will retain the prerogative to determine the category and extent of the service (i.e. water, water and sanitation etc.) the developer ought to upgrade.

## **7. DATE OF COMMENCEMENT**

This policy is effective July 1, 2015.

**BULK INFRASTRUCTURE CONTRIBUTION LEVY****TARIFF STRUCTURE**

July 2015



|         |                           |
|---------|---------------------------|
| BICL 1  | R 28 566, 32              |
| BICL 2  | R 7 141, 58               |
| BICL 3  | R 14 283, 16              |
| BICL 4  | R 28 566, 32              |
| BICL 6  | R 7 141, 58               |
| BICL 7  | R 14 283, 16              |
| BICL 8  | R 28 566, 32              |
| BICL 9  | R 14, 28 / m <sup>2</sup> |
| BICL 10 | R 56 393, 44              |
| BICL 11 | R 76 785, 23              |
| BICL 12 | R 94 721, 54              |
| BICL 13 | R 112 658, 91             |
| BICL 14 | R 535 000, 00             |
| BICL 15 | R 1 112 800, 00           |
| BICL 16 | R 1 070 000, 00           |
| BICL 17 | R 1 540 000, 00           |
| BICL 18 | R 1 337 500, 00           |
| BICL 19 | R 3 359 800, 00           |
| BICL 20 | R 1 605 000, 00           |
| BICL 21 | R 5 071 800, 00           |
| BICL 22 | R 1 605 000, 00           |
| BICL 23 | R 6 111 840, 00           |